

SECTION 22 – SPECIAL USES

PURPOSE AND OBJECTIVES

Certain land uses listed below are of such a size or otherwise have the potential to significantly impact the economy, natural environment, social fabric or visual quality of the County that it is necessary to require a special review and permitting process as provided herein. The purpose of this section is to specify the public review process for all special uses and to set out the application requirements, siting criteria, performance standards and permitting procedures and requirements for each unique special use.

REVIEW PROCESS FOR ALL SPECIAL USES

1. The proposed construction or expansion of any special use, subject to this section, shall not proceed until such is authorized by a resolution adopted by the Board of County Commissioners (BOCC). The adoption of such a resolution shall be considered a special use authorization by the BOCC. Requests for a special use authorization and permit shall be submitted by the developer of the special use and the owner of the property on which the special use is proposed to be located to the Planning and Development Department on forms provided. Each such request shall include all of the information required to be submitted with each unique special use as outlined herein. Any application that does not comply with all of the requirements set forth in these regulations or in the application requirements shall not be accepted.
2. Upon receipt of such a request, a public hearing shall be scheduled with the Planning Board. Notice of such public hearing shall be given pursuant to Kansas statutes for rezoning of property. Thereafter, the Planning Board shall proceed to conduct such public hearing on said request.
3. At the conclusion of the hearing, the Planning Board shall forward its recommendation on the request to the BOCC. Such recommendation shall include all factors and reasons the Planning Board relied upon to support such recommendation. In arriving at such recommendation, the Planning Board shall consider the public and private interests affected by the construction or expansion of the special use. In weighing such interests, the Planning Board shall consider the following factors:
 - a. The nature and extent of the public interest to be served by the special use; and
 - b. The economic impact/benefit on the landowner and/or surrounding property owners; and
 - c. The effect that regulation of the special use or expansion, either by the imposition of requirements necessary to mitigate impacts or by a complete denial of the request, will have upon the County as a whole and upon the applicant or owners ability to continue with the project; and
 - d. The impact that construction or expansion of the special use will have upon the public health, safety and general welfare of the community; and
 - e. The conformance of the special use with the guidelines/standards specified for each unique special use; and
 - f. The conformance of the special use with the Comprehensive Plan; and

- g. The adequacy of applicant's contingency plans in the event the special use is constructed and later abandoned; and
 - h. The impact on the economic interests of the landowner of any modifications to or denial of the proposed special use; and
 - i. Such other factors as the Planning Board deems appropriate and relevant.
4. The Planning Board shall make findings as to all adverse impacts upon public health, safety and welfare expected to result from construction or expansion, and operation and decommissioning/removal, of the special use, and make further findings whether the requirements or conditions set forth in its recommendation will adequately and satisfactorily mitigate such adverse impacts on the public health, safety and welfare.
5. Upon receipt of a recommendation from the Planning Board pursuant to this section, the BOCC shall consider the request. As a part of such consideration, the BOCC shall hold a public hearing on said request and notice of such public hearing shall be given in the same manner as required by Sub-Paragraph 2. above. In evaluating a request, the BOCC shall consider all factors set forth in Sub-Section 3. and other factors set forth in the applicable portion of these zoning regulations and shall also consider the findings and recommendation of the Planning Board which shall be provided to the BOCC in written form, along with a summary of the public hearing before the Planning Board, and any other factors the BOCC might deem relevant or appropriate. The BOCC is not bound by the recommendations of the Planning Board, nor is it obligated to return the matter to the Planning Board for reconsideration unless the BOCC chooses to do so. If the BOCC desires to approve the request, it shall do so by the adoption of a resolution authorizing the issuance of a special use permit. If a protest petition against the request is filed in accordance with these regulations then the request shall not be approved except by at least a $\frac{3}{4}$ vote of all of the members of the BOCC. The BOCC, in the resolution approving such request, may establish such conditions as it deems necessary to mitigate any adverse impacts expected to be created or increased by such use. The resolution shall include findings based on the administrative record regarding the following: compliance of the project with these zoning regulations, including any specific requirements listed for a special use; adverse impacts of the project; benefits of the project; and the reasons for approval based on an analysis of the project's benefits and adverse impacts which cannot or will not be mitigated by the applicant. The resolution authorizing the special use permit shall become effective upon signature by the BOCC. Any person, official or governmental agency dissatisfied with any order or determination of the BOCC with regard to a special use permit may, within 30 days after such decision, bring action in the District Court of the County to determine the reasonableness of any such order or determination.

SPECIAL USES LISTED

The uses listed below shall only be permitted as a special use following the procedure identified above and in accordance with all requirements for each respective special use as identified below. These uses shall not be permitted in any other zoning category except as described herein.

WIND ENERGY CONVERSION SYSTEMS, COMMERCIAL (WECS-C)

GENERAL REQUIREMENTS

1. WECS-C shall be permitted only in the G-1 (General Agricultural District).
2. The notification area and the protest petition area for a WECS-C application shall be in accordance with Kansas statutes with the exception that 1000 feet shall be changed to 2000 feet.

DEFINITIONS

For the purposes of this section the following words and terms as used herein shall be defined as follows:

A-WEIGHTED SOUND LEVEL (dbA): A measurement of sound pressure level, which has been filtered or weighted to progressively de-emphasize the importance of frequency components below 1000 Hz and above 5000 Hz. This reflects the fact that human hearing is less sensitive at low frequencies and at extremely high frequencies, relative to the mid-range of the frequency spectrum. This area of sensitivity also corresponds to the human speech band. This measurement is the most commonly used filter in both industrial noise applications (OSHA) and community noise regulations.

BLADE GLINT: The intermittent reflection of the sun off the gloss surface of wind turbine blades.

C-WEIGHTED SOUND LEVEL (dbC): The measurement of sound pressure level which is designed to be more responsive to low-frequency noise. C-weighting is intended to represent how the ear perceives sound at high decibel levels and is also used for evaluating impact or impulse noise such as demolition or mining blasting, artillery firing and bomb explosions using conventional explosives of less than approximately one ton.

DECIBEL (db): The measurement of a sound pressure relative to the logarithmic conversion of the sound pressure reference level often set as 0 db(A-weighted). In general, this means the quietest sound we can hear is near 0 db (A-weighted) and the loudest we can hear without pain is near 120 db (A-weighted). Most sounds in the typical day to day environment range from 30 to 100 db (A-weighted). Normal speech at 3 feet averages about 65 db (A-weighted).

ICE THROW: Ice build-up that is thrown by the spinning blades.

NACELLE: The enclosure located at the top of a wind turbine tower that houses the gearbox, generator and other equipment.

PURE TONE: A sound whose instantaneous sound pressure is a simple sinusoidal function of the time and is characterized by a single frequency or singleness of pitch. For

the purpose of these regulations, a pure tone shall exist if the one-third octave band sound pressure level in the bandwidth of the tone exceeds the arithmetic average of the sound pressure levels on the two contiguous one-third octave bands by 5 db for center frequencies of 500 Hz and above, and 8 db for center frequencies between 160 and 400 Hz, and by 15 db for center frequencies less than or equal to 125 Hz.

ROTOR: The rotating part of a turbine, including the turbine blades.

SHADOW FLICKER: When the blades of an operating wind turbine pass between the sun and an observer, casting a readily observable, moving shadow on the observer and his or her immediate environment.

STALL-CONTROL: A braking mechanism on wind turbines where the rotor blades are bolted onto the hub at a fixed angle. The rotor blade profile is aerodynamically designed to ensure that the moment the wind speed becomes too high it creates turbulence on the side of the rotor blade which is not facing the wind. This stall prevents the lifting force of the rotor blade from acting on the rotor.

TURBINE: A wind driven machine that converts wind energy into electrical power, also known as a wind energy conversion system.

UPWIND ROTOR: A design in which the rotor on a wind turbine tower faces into the wind.

VISUAL DOMINANCE ZONE: A zone within or distance from which a turbine may be perceived as dominating the visual landscape, determined to be a zone surrounding a turbine that is twenty (20) times the total height of the turbine.

WELL-DESIGNED BRAKING SYSTEM: The primary braking system, which uses a mechanical brake, pitch-control of the turbine blades, or stall-control to bring the turbine to a stop in such a way that stall-induced vibrations/noise are avoided.

WIND ENERGY CONVERSION SYSTEMS, COMMERCIAL: A wind driven machine that converts wind energy into electrical power for the primary purpose of sale, resale or off-site use.

WIND ENERGY CONVERSION SYSTEMS, NONCOMMERCIAL: A wind driven machine, less than 150 feet in height, that converts wind energy into electrical power for the primary purpose of on-site use and not for commercial power production.

WIND ENERGY CONVERSION SYSTEMS, TOTAL HEIGHT: The highest vertical point on the machine, including the rotor blade tips, measured from the tower base.

APPLICATION REQUIREMENTS

All applications for a WECS-C shall be accompanied by the following information:

1. Satisfactory evidence that the applicant is the owner of the property or has written permission of the owner(s) to make such application;
2. Name, address and phone number of the developer and the developer's contact person for the project. A statement from the developer providing relevant information regarding an overview of the company, the company's financial condition, the company's environmental management history and the company's qualifications and experience in WECS-C development. Specific references regarding other WECS-C projects are required. The applicant shall also include a description of the expected owner and/or builder of the proposed project and a complete financial statement for such owner and/or builder including audits or reviews, whichever are applicable, for three (3) years preceding the date of application. In addition, the name, address and phone numbers of the manager of the project in the event the project is approved and the name, address and phone numbers of any buyers of the project, if known at the time of application.
3. Relevant background information on the project, including rationale and need for the project by the landowner and developer, timeframe and project life, phases of development, likely markets for the electricity produced and the possibilities for future expansion.
4. A narrative explanation of why the proposed project site was chosen by the applicant over alternative locations for the project in the region and reasons for preferring the proposed site over the alternatives considered by applicant. Region shall be defined as all counties adjoining and including Riley County.
5. The applicant's position regarding the consequences of not approving the project.
6. A plot and development plan drawn in sufficient detail to clearly describe the following:
 - a. general vicinity of the project location within the County;
 - b. scale and north arrow;
 - c. acreage of the site;
 - d. physical dimensions of the property and the physical location of the project boundary;
 - e. location and physical dimensions of existing structures and general location and approximate physical dimensions of proposed structures, including all proposed individual wind turbines. If an exact number or dimensions of wind turbines is not known at the time of application, the site plan shall identify a maximum number and maximum dimensions that will be expected and a range from minimum number expected to the maximum;
 - f. houses within 1,000' of the project boundary and the approximate distance of such houses from the project boundary, and any additional houses within ½ mile of the project boundary;
 - g. location of existing electrical lines and facilities, including transmission lines;

- h. approximate location of proposed electrical lines and facilities, including transmission lines;
 - i. existing topography;
 - j. approximate proposed grading and removal of natural vegetation;
 - k. wind characteristics and dominant wind direction, which is the direction from which fifty (50) percent or more of the energy contained in the wind flows;
 - l. proposed setbacks of all proposed structures from the project boundary;
 - m. projected methods of circulation on the project property;
 - n. anticipated ingress and egress locations;
 - o. location of and distance to public roads in all four directions surrounding the project perimeter.
 - p. approximate location of any major known underground pipelines or other underground utilities;
 - q. approximate location of any major known utility easements; and
 - r. location of any delineated 100-year floodplains or wetlands.
7. An accurate computer-generated visual simulation, including dynamic motion of the turbine blades, of the project components from the following:
- a. all houses located within 1000' of the project boundary;
 - b. up to 12 key vantage points, as determined by the Planning & Development Department in consultation with the applicant, from public roads from which the project is visible or from sites that are determined to be of historic, cultural or archeological significance.
 - c. the Prairie Parkway (as identified in K.S.A. 68-1022) and any government-designated scenic byways or government-designated scenic overlooks from which the project is readily visible as determined by the Planning & Development Department in consultation with the applicant; and
 - d. if deemed necessary by the Planning Board, two additional locations of the Board's choosing.
8. An estimated economic cost/benefit analysis describing the impact of the project on the local and state economy in the following respects:
- a. the amount of property taxes to be generated by the project;
 - b. the amount of sales taxes to be generated by the project;
 - c. the amount of other applicable taxes to be generated by the project;
 - d. the construction dollars to be spent locally;
 - e. the number of construction jobs and estimated construction payroll;
 - f. the number of permanent jobs and estimated continuing payroll;
 - g. the benefit of the electricity generated by the project;
 - h. any projected costs or benefits to tourism in the County;
 - i. the impact of the project on existing surrounding residential property values within the visual dominance zone, as defined, based on studies of any similar projects in similar areas and based upon an opinion from three qualified residential real estate appraisers or valuation experts;
 - j. other projected economic benefits and costs of the project; and

- k. costs associated with the impact on roads or other County infrastructure in the area.
9. An environmental assessment of the potential adverse impacts from the project and any proposed measures to mitigate or lessen the effects of the adverse impacts. The assessment and mitigation plan shall include, at a minimum, all of the following:
- a. impact on wildlife and wildlife habitat on the site and in a biologically significant area surrounding the site;
 - b. impact on any endangered or threatened species on the site and in a biologically significant area surrounding the site;
 - c. impact on avian population, including migratory birds;
 - d. impact on flora on the site;
 - e. “A”-weighted and “C”-weighted noise levels at the residence nearest to the project boundary and at the property line of such residence nearest to the project boundary;
 - f. any wastes, either municipal solid waste or hazardous waste, generated by the project;
 - g. electromagnetic fields and communications interference generated by the project;
 - h. risk of fire from the project, including threat of lightning strikes;
 - i. impact of the project on civilian and military aviation in the area;
 - j. impact of the project on soil erosion;
 - k. impact of the project on water quality and water supply in the area;
 - l. potential hazards from ice throws;
 - m. dust from project activities;
 - n. potential hazards from collapse or damage of turbines or system components in severe storms;
 - o. impact on historic, cultural or archaeological resources;
 - p. impact of shadow “flicker” on houses from any WECS-C and estimated duration of the shadow flicker (in hours per year);
 - q. potential hazards of “blade glint”;
 - r. a general discussion of any potential changes to the above assessment items that could be anticipated when considering the cumulative impacts of other wind energy projects in the region. Region shall be defined as all counties adjoining Riley County and including Riley County. When considering the cumulative impacts, only wind energy projects that are either existing, approved or applied for shall be considered. Speculative projects that are not publicly known are not required to be considered.
10. A copy of written notification to the utility of the proposed interconnection;
11. Information, in as much detail as possible, on the type, size, maximum and minimum height, rotor size, rotor material, color scheme, rated power output, performance, safety and noise characteristics of each proposed wind turbine model, tower and electrical transmission equipment;

12. A general description of the decommissioning and land reclamation strategy in the event the project is abandoned or upon the end of the useful life of the project. The applicant shall specify the anticipated useful life of the project;
13. The anticipated volume and designated route for traffic generated during the construction phase, including routes for oversized and heavy equipment, and the proposed method of providing assurances to the public entities responsible for the roads of repairs and on-going maintenance to the roads and bridges needed to support the project;
14. The anticipated volume and designated route for traffic generated during the utilization of the facilities, including routes for oversized and heavy equipment needed for maintenance and repairs, and the proposed method of providing assurances to the public entities responsible for the roads of repairs and on-going maintenance to the roads and bridges needed to support the project;
15. The anticipated operation and maintenance requirements (including estimated frequency of maintenance activities) for the turbines and internal transmission lines connecting the individual turbines within the project and the transmission lines connecting the system to the power “grid”;
16. The anticipated location, width and proposed method of acquisition of transmission line easements required, including access requirements to the easements and any associated restrictions necessary on land use, development and access within said easements;
17. A general description of the plan for securing the site and the various structures and facilities from access by unauthorized persons;
18. A description of the Federal Aviation Administration requirements applicable to the structures and facilities on the site and the proposed methods for meeting those requirements.

SITING and PERFORMANCE GUIDELINES

The following guidelines shall be considered by the planning boards and the BOCC in evaluating the appropriateness of proposed locations for WECS-C and the proposed project components. The purpose of the guidelines is to assist decision-makers in uniformly analyzing the site-specific impacts of each proposed WECS-C project and thereby arrive at consistent and balanced decisions.

Natural and Biological Resources

1. WECS-C should not be located in areas that have a large potential for biological conflicts;

2. WECS-C should avoid large intact areas, at least one section in size, of native vegetation that has not been significantly disturbed by man-made developments such as power lines, gas lines, oil or gas wells, public roads, etc.;
3. WECS-C should avoid areas that would interfere with important wildlife migratory corridors and staging areas;

Visual Impacts

4. WECS-C should avoid sites that are readily visible from government-designated scenic byways or government-designated scenic overlooks;
5. To avoid clutter, the visual effects of ancillary structures, roads and fences on the site should be minimized;
6. A WECS-C project should maintain visual unity among clusters of turbines;
7. To promote visual uniformity, the rotors, nacelles and towers of all turbines in an array should appear similar;
8. To avoid objectionable density, there should be adequate spacing between turbines;
9. To avoid visual clutter, intra-project power lines having a voltage of 34,500 volts or less, should be buried unless the applicant can sufficiently demonstrate that burying the lines will violate other guidelines/standards, violate applicable law, render the project economically infeasible or be hidden from public view;
10. To avoid cluttering the skyline, transformers and other electric equipment should be hidden from view or otherwise constructed in harmony with the surrounding landscape.

Soil Erosion & Water Quality

11. WECS-C should avoid construction activities on slopes that are steep or susceptible to erosion;
12. The number of improved roads and construction staging areas should be kept to a minimum;
13. The grading width of roads should be minimized. One-lane roadways with lay-bys are recommended;
14. The number and size of staging areas and crane pad sites should be minimized;

Historical, Cultural & Archeological Resources

15. WECS-C should avoid sites in close proximity to known sensitive historical, cultural or archeological resources.

SITING AND PERFORMANCE STANDARDS

The following standards are to be achieved by each WECS-C project without exception. Because they are standards, they are considered to be requirements of any WECS-C project. The final decision on whether or not a particular standard is achieved by a WECS-C project shall be made by the BOCC after considering the recommendations of the relevant planning board and the Planning & Development Department.

Noise Management

1. The noise level caused by the operation of the project, measured at five (5) feet above ground level at the property line coincident with or outside the project boundary, shall not exceed 65 decibels (A-weighted) and shall not exceed 50 decibels (C-weighted) if it is determined that a pure tone noise is generated by the project;
2. Upon receipt by the Riley County Planning & Development Department of a complaint regarding noise from an existing WECS-C project, which the Department determines to be reasonable, the project owner shall be required, at the owner's expense, to have prepared, by an independent acoustical consultant, approved by the Planning and Development Department, an acoustical study that shall demonstrate compliance with the above noise standard on the basis of equivalent sound pressure levels. "Equivalent sound pressure levels" means the steady sound level that, over 10-minute measurement periods, would produce the same energy equivalence as the fluctuating sound level actually occurring;
3. Low Frequency Noise Criteria. WECS-C that are not designed in "accordance with proven good engineering practices" shall be prohibited. WECS-C designed with the following characteristics shall be deemed in "accordance with proven good engineering practices":
 - a. at least 3 blades;
 - b. upwind rotor;
 - c. no furling, where "furling" means that the wind turbine is designed to limit its power output in high winds by changing the rotor's plane of rotation to a plane that is not perpendicular to the prevailing wind direction;
 - d. tapered and twisted blades; and
 - e. a well-designed braking system.

Natural & Biological Resources

4. In areas where grassland burning is practiced, appropriate "buffer" areas shall be used to enable infrastructure to withstand periodic burning of vegetation;

5. No perches are permitted on the nacelles of turbines. WECS-C towers shall not use lattice-type construction or other designs that provide perches for avian predators;

Visual Impacts

6. To provide visual order to a WECS-C project, all individual turbines shall have the same number of rotor blades and all rotor blades shall spin in the same direction (i.e., clockwise or counter-clockwise) in relation to the wind.
7. To promote visual uniformity, all turbines at a similar ground elevation shall have the same height from blade tip to the ground.
8. Distinct groupings or clusters of machines shall be limited to no more than 12 machines per cluster. A cluster shall be defined as a grouping of machines that are greater than 1320 feet (¼ mile) from another grouping.
9. In light wind conditions, turbine rotor blades shall not be kept in a locked position except as necessary to meet operational or maintenance requirements;
10. Except during construction, re-construction or removal, outdoor storage is not permitted within the project boundary except at locations that are screened from view;
11. If turbines become inoperable for any reason, they shall be repaired as soon as reasonably possible in accordance with the reclamation standards outlined in Item 21.;
12. To avoid cluttering the skyline, inverters and pendant power cables shall be located inside the wind turbine tower, nacelle or structure;
13. No telecommunications dishes, antennas, cellular telephone repeaters or other similar devices shall be attached to wind turbine towers;
14. Aircraft obstruction markings of the turbines by use of alternating red and white bands shall be prohibited;
15. No billboards, logos and advertising signs of any kind shall be located on the turbines;
16. The maximum height of the turbines shall be 355 feet. Greater height, but not in excess of 400 feet, may be considered on a case by case basis if the applicant can sufficiently demonstrate that the increased height will result in increased energy efficiencies thereby reducing the overall number of turbines in the project. However, in all cases, due consideration shall be given to the scale of the turbines in relation to the surrounding landscape.

Soil Erosion & Water Quality

17. Construction and maintenance shall be done in strict accordance with the erosion and sediment control plan submitted with the building permit so as to minimize soil

erosion and damage to native vegetation. If native vegetation is damaged during construction, it shall be restored after construction is complete in areas not occupied by the WECS-C and related facilities and roads;

Safety

18. Individual wind turbines shall be set back from all property lines coincident with or outside of the project boundary a distance equal to one and one-half (1.5) times the turbine height;
19. Individual wind turbines shall be set back from all public roads a distance equal to at least one and one-half (1.5) times the turbine height;
20. Individual wind turbine heights and markings shall comply with Federal Aviation Administration (FAA) regulations. If lighting of turbines, or other structures, is required, "daytime white-nighttime red" shall be the only type of lighting allowed unless prohibited by law. All turbines and towers shall be a shade of white in color.

Decommissioning and Reclamation

21. Approval of the WECS-C shall include a requirement that the project owner shall, at its expense, and not later than 30 days before commencement of project construction obtain and submit for approval of the County, a letter of credit, a cash escrow account, a performance bond, or other form of security which is acceptable to the County, ("Security") in favor of the County. The purpose of the security requirement is to insure that adequate funding is available to be used to pay the costs of decommissioning and site reclamation, including removal of individual turbines and other above-ground project improvements subject to permit in the event of abandonment of individual turbines or abandonment of the entire project. The entity providing the letter of credit or the performance bond must be authorized to provide such security instruments in the State of Kansas. The Security must be written in a form that is acceptable to the County and must contain such provisions, terms or conditions as the County deems to be necessary, including, but not limited to, those set out herein, unless specifically waived in writing by the County. The Security shall be in an amount equal to one hundred (100) percent of the estimated decommissioning and reclamation costs, and shall provide for an annual adjustment of the amount of the Security based on the annual rate of inflation. Such amount shall be determined by the BOCC based upon estimates from knowledgeable contractors and such other information or factors that the Board deems to be relevant. The Security may not be cancelled, released or in any way terminated, without prior written approval from Riley County, and shall be maintained and continued in force as long as such turbines or other above-ground improvements exist and until all decommissioning and site reclamation has been completed and paid for. If the Board has any reason to believe that the Security is insufficient it may demand such other Security as it deems to be necessary. The Security must be written so as to survive any sale or transfer of the turbines and related project property or the insolvency of the project owner. It shall further apply to all successors and assigns of the project

owner. Any entity providing Security must be authorized to provide such Security in the State of Kansas, and must be acceptable to the BOCC.

An individual turbine shall be considered to have been abandoned when the turbine is incapable of producing more than 20% of the average amount of electricity produced by such turbine in comparable previous time periods (adjusted for actual wind conditions), as determined by the Planning and Development Department, for a period of at least six (6) consecutive months and there is no demonstrated viable plan to restore the equipment to operating condition. An entire project shall be considered to have been abandoned when at least 50% of the individual turbines have not produced electricity for a period of at least six (6) consecutive months and there is no demonstrated viable plan to restore the equipment to operating condition. An extension of the 6-month time period may be granted by the BOCC upon the presentation of sufficient justification by the project owner.

22. All underground equipment and foundation systems of WECS-C shall be removed to a depth of at least three (3) feet to allow for cultivation of crops or restoration of pasture.

PERMIT PROCEDURES AND REQUIREMENTS

1. The resolution by the Board of County Commissioners granting a special use permit for a WECS-C project shall specify that the special use permit is issued to the project owner. The holder of the special use permit for a WECS-C project may not transfer, assign or otherwise convey the special use permit to another without prior approval of the BOCC. The BOCC shall give such approval upon its finding that the party to which the special use permit is to be conveyed will comply with all of the requirements of these regulations and all conditions of the special use permit. Upon signing of the special use permit resolution, the Planning and Development Department shall issue a building permit for the project following a 30 day waiting period and prior to the start of construction. The building permit shall contain all of the following information to be provided by the project owner:
 - a. all of the special conditions outlined in the special use authorization;
 - b. a site plan, in final detail, that includes all of the information required on the application site plan;
 - c. a final grading plan;
 - d. a final erosion and sediment control plan;
 - e. a final plan for site security;
 - f. a final decommissioning and reclamation plan;
 - g. documentation of the establishment of the Account/Bond for reclamation; and
 - h. documentation that the project is in compliance with all of the requirements of the following:
 - 1) Federal Aviation Administration;
 - 2) Federal Communications Commission, if applicable;
 - 3) Kansas Department of Health and Environment, if applicable;

- 4) Kansas Corporation Commission, if applicable;
 - 5) Any other federal or state agency that has regulations applicable to the project.
2. The Planning and Development Department shall issue a single building permit for construction of the entire project. The fee for the building permit shall be based upon the number of turbines in the project charged at the industrial (principal structure) building permit rate for each turbine.

PUBLIC UTILITIES AND FACILITIES

GENERAL REQUIREMENTS

1. Public utilities and facilities, excluding Wind Energy Conversion Systems (WECS), as defined separately herein, shall be permitted in any zoning district, subject to the remaining provisions of this section.

DEFINITIONS

For the purposes of this section, the term “*public utility or facility*” shall include, but not be limited to:

1. Buildings, above-ground structures and facilities that provide:
 - a. telephone service;
 - b. electricity;
 - c. natural gas;
 - d. solid waste disposal;
 - e. public transit; and
 - f. water or sewer; to the public.
2. Police and fire stations;
3. Hospitals;
4. Cemeteries;
5. Railroad buildings;
6. Highway maintenance equipment and materials storage yards; and
7. Other publicly owned buildings.

Structures and improvements which are not included in the definition are fences, public roads and bridges, railroad facilities located on railroad rights-of-way, public service wires and poles, and utility pipes and valves not included in the definition above.

APPLICATION REQUIREMENTS

All applications for a public utility or facility shall be accompanied by the following information:

1. Site Plan showing location and dimensions of structure, access, surrounding roads, floodplain, true north point, scale, drainage, ownership and ownership of surrounding properties;
2. A drawing of the proposed structure showing length, height, and width;

3. For those structures over 50' in height, a small scale location map showing highways, major streets, subdivisions, etc. for a minimum of one mile from the proposed utility or facility;
4. A description of the function of the utility or facility;
5. A description of the extent of the public interest to be served by the utility or facility.